	Application No.	Applicant(s)	
Notice of Allowability	09/842,659	NORBERT ET AL.	(and
	Examiner	Art Unit	-
	Rina I. Duda	2837	
The MAILING DATE of this communication app All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85 NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT F of the Office or upon petition by the applicant. See 37 CFR 1.31	S (OR REMAINS) CLOSED in i) or other appropriate comministing. This application is	n this application. If not included unication will be mailed in due co	d ourse. THIS
1. This communication is responsive to <u>amendment receive</u>	<u>d on 4/12/05</u> .		
2. The allowed claim(s) is/are <u>1 and 3</u> .			•
3. $igotimes$ The drawings filed on <u>27 April 2001</u> are accepted by the $f E$	Examiner.		
 4. Acknowledgment is made of a claim for foreign priority of a) All b) Some* c) None of the: Certified copies of the priority documents have Certified copies of the priority documents have Copies of the certified copies of the priority documents have Hoternational Bureau (PCT Rule 17.2(a)). * Certified copies not received: 	re been received. re been received in Applicatio	on No. <u>09/240,240</u> .	on from the
Applicant has THREE MONTHS FROM THE "MAILING DATE noted below. Failure to timely comply will result in ABANDON THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		e a reply complying with the requ	uirements
 A SUBSTITUTE OATH OR DECLARATION must be subr INFORMAL PATENT APPLICATION (PTO-152) which give 			TICE OF
6. CORRECTED DRAWINGS (as "replacement sheets") mu (a) including changes required by the Notice of Draftspel 1) hereto or 2) to Paper No./Mail Date (b) including changes required by the attached Examinel Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR each sheet. Replacement sheet(s) should be labeled as such in 7. DEPOSIT OF and/or INFORMATION about the department of the department of the same	rson's Patent Drawing Review r's Amendment / Comment o 1.84(c)) should be written on the header according to 37 CF Disit of BIOLOGICAL MAT	r in the Office action of he drawings in the front (not the book 1.121(d). ERIAL must be submitted. No	·
Attachment(s) 1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/Paper No./Mail Date 4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material	6. Interview S Paper No. 708), 7. Examiner's	oformal Patent Application (PTO- ummary (PTO-413), /Mail Date Amendment/Comment Statement of Reasons for Allow	ŕ
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DETAILED ACTION

Allowable Subject Matter

1. Claims 1 and 3 are allowed.

2. The following is an examiner's statement of reasons for allowance: The statutory type double patenting rejection of claim 3 has been overcome by the amendment dated 4/12/05, due to this amendment claim 3 would be rejected under a nonstatutory double patenting because the scope of new claim 3 is broader than claim 1 of issued patent 6392374, in order to advance prosecution applicant filed a terminal disclaimer in anticipation of this double patenting rejection. Therefore, the terminal disclaimer filed on 4/12/05 disclaiming the terminal portion of any patent granted on this application that would extend beyond the expiration date of patent number 6392374 has been reviewed and is accepted. The terminal disclaimer has been recorded and overcomes the double patenting rejection of claims 1 and 3.

Applicant's arguments filed 4/12/05 with respect to claim 1 have been fully considered and are persuasive. The 102(b) rejection of claim 1 has been withdrawn.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rina I. Duda whose telephone number is 571-272-2062. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 571-272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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